

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SEVENTH REGION**

**GUARDIAN ARMORED ASSETS, L.L.C., INC.
AND GUARDIAN ARMORED SECURITY¹**

Employer

and

Case 7-RC-22665

**INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA
(SPFPA)**

Petitioner

APPEARANCES:

Bradley T. Raymond, Attorney, of Farmington Hills, Michigan, for the Employer
Scott A. Brooks, Attorney, of Detroit, Michigan, for the Petitioner

DECISION AND DIRECTION OF ELECTIONS

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding², the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert

¹ The Employer's name appears as amended at the hearing.

² The Employer and Petitioner filed briefs which were carefully considered.

jurisdiction herein.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Sections 2(6) and (7) of the Act.

Overview

Petitioner seeks to represent full-time and regular part-time security officers, including drivers/messengers, performing guard duties as defined in Section 9(b)(3) of the Act, employed by the Employer in two separate bargaining units. The first unit includes approximately 250 security officers employed at or out of the Employer's facility located at 15045 Hamilton Avenue, Highland Park, Michigan. The second unit includes approximately 50 security officers employed by the Employer at or out of its facility located at G6129 Dort Highway, Mount Morris, Michigan. The Employer contends that a single unit, comprised of the Highland Park and Mount Morris facilities, and a third facility in Comstock Park, Michigan, and consisting of approximately 300 employees, is the only appropriate unit.

Certain job classifications are also in dispute. The Petitioner contends that dispatchers, vault leaders, and an assistant supervisor are statutory supervisors and mechanics are not guards, and, therefore, they all should be excluded from the units. The Employer argues that the disputed classifications should be found to be eligible to vote.

I find that, given the presence of some local autonomy over daily operations, the minimal interchange and interaction among employees at the three individual facilities, and the distance between the facilities, the two single facility units Petitioner seeks to represent are appropriate. I further find that dispatchers, vault leaders and the assistant supervisor are not supervisors under the Act. Finally, I find mechanics are not guards as defined under 9(b)(3) of the Act.

Business Operations

The Employer is engaged in the processing, transporting, and safeguarding of cash and other valuable items, via armored transport, for financial institutions and other customers. This entails the delivery of cash, cash pickup, deposit delivery, machine repair, and related services, throughout Michigan and northwest Ohio. It operates three facilities in Michigan, located in Highland

Park, Mount Morris, and Comstock Park. The distance between the Highland Park and Mount Morris facilities is approximately 75 miles; the distance between the Highland Park and Comstock Park facilities is about 190 miles; the distance between Mount Morris and Comstock Park is approximately 100 miles. These three facilities combined employ approximately 320 nonsupervisory and 50 supervisory employees.

The Employer is a division of Guardian Security Services, based in Southfield, Michigan. Other divisions of Guardian Security Services are Guardian Alarm Company of Michigan, Guardian Guard Services, Guardian Bonded Services, and Guardian Medical Monitoring Services. These entities employ approximately 1700 employees.

Guardian Security Services centrally administers most of the Employer's human resources functions out of its Southfield headquarters, including the hiring, firing, and discipline of employees, new employee orientation, health insurance benefits, and payroll, including employee pay changes. The human resources department, under the direction of Director Gisela Foreman, sets the qualifications for all employee positions, administers drug tests and aptitude tests, and conducts background checks of applicants before they are hired. Training of new employees is conducted at the parent company's offices, although subsequent specialized training may be conducted at any of the Employer's facilities. All employees are encouraged to be trained in the use of a firearm. Any purchase by an Employer facility of \$100 or more must be approved by the parent company. All armored vehicles utilized at the three locations are licensed to the parent company at its Southfield address, pursuant to state statute. The parent company occasionally dispatches a field auditing group to conduct inspections at all three facilities.

Within the Employer's operations, the Highland Park facility is the largest, in both square footage and the number of employees, employing approximately 250 employees, including clerical and supervision. The Mount Morris and Comstock Park facilities employ approximately 50-60 and 40-60 employees, respectively. The Highland Park facility has been in operation for approximately 15 years, Comstock Park approximately 4 years, and Mount Morris approximately 2 years. Except for the size of the facilities, their layouts are essentially identical. All three facilities have a lobby, a protected vault area, a mechanic's area where vehicles are repaired, an administrative area, a lunch room, and an employee parking lot. All three facilities employ a combination of physical and electronic barriers, in addition to armed personnel, to control ingress to and egress from each facility. All locations operate essentially on an "around the clock" basis. Typically, there is at least one "shuttle run" between facilities every day, in which currency and other valuables are transferred or delivered

from one facility to another. In addition, other runs are made between the three facilities to consolidate deliveries to customers, such as a large retailer which has many locations within the state of Michigan.

The pay rates and benefits for employees at all three facilities are identical and all employees are paid on a weekly basis. All employees at the three facilities receive the same monthly employee newsletter, issued by Guardian Security Services, that discusses issues pertaining to all parent company divisions. At all three facilities, new employees are given initial 90-day performance evaluations, and annual employee performance reviews by an on-site manager. Managers at all three facilities communicate with each other via telephone on a daily basis to coordinate runs between the facilities, as well as various customer runs that may entail pickups or deliveries by more than one facility.

Temporary transfers of employees between the facilities occur due to a shortage of manpower at one facility, typically as a result of call-ins. General Manager Hugh Adams makes the decision on which employee(s) to send. Temporary transfers are not recorded by the Employer and they do not occur often. For instance there were only two temporary transfers in the last two years to the Mount Morris facility, although the last one, occurring after the petition was filed, involved six or seven drivers/messengers sent from the Highland Park facility for approximately three days, due to a particularly severe personnel shortage. Additionally, a mechanic was recently temporarily transferred for one day from the Highland Park facility to the Mount Morris facility. Transfers are generally done on a voluntary basis. Permanent transfers between facilities are also uncommon, with only 11 employees being transferred among the three facilities in the past two years.

Supervision

Guardian Security Services President Jeffrey Prough oversees the parent company's entire operations, including the Employer. He oversees the business operations of all the subsidiaries, executes their business strategies, approves their budgets and their financial and marketing expenditures. He, along with the parent company's human resources division and outside counsel, devises all the subsidiaries' labor relations policy, with Prough making the final decisions. As part of his duties, he meets new employees during their orientation at the parent company's headquarters. He visits each of the Employer facilities between 6 and 15 times a year and keeps informed of each facility's operations via regular telephone updates from on-site management personnel.

Vice President Jeff Kipp also oversees all the entities that comprise

Guardian Security Services, including the Employer's three facilities, and reports directly to Prough. Also reporting to Prough are parent company group directors, the general counsel, administrative assistants, the information services director, the director of finance, the director of human resources, and the individual general managers of each of the five divisions of the parent company.

The Employer's general manager is Hugh Adams, who reports to Prough. He is not involved in any of the parent company's other divisions. Adams oversees the day-to-day operations of the three Employer facilities. He does not have an office at the parent company headquarters, instead he maintains an office at all three Employer facilities. He spends time at each facility on a rotating basis. He oversees personnel matters, including the approval of employees' daily schedules at each facility. He reviews customer account data and relays that information to Prough on a daily basis, either by telephone or in person. He attends weekly management training meetings with branch managers or assistant branch managers of the three Employer facilities, with parent company managers, including Human Resources Director Foreman, also in attendance.

Below Adams, supervisory personnel differ at each of the three facilities. At the Highland Park facility, the branch manager position was recently permanently eliminated. Assistant Branch Manager Jennifer Oswald has broad responsibilities in assisting Adams in the day-to-day overseeing of customer relations and day-to-day management of employees. Customer Service Manager Beverly Coleman is also responsible for managing customer relations. Cash Processing Manager Marie Stadler supervises those employees who count money. The Employer also utilizes a vault supervisor who manages employees working in the vault area. Other supervisory personnel employed at Highland Park are office administrator, routing supervisor, training manager, and operations manager.

At the Mount Morris facility, the Employer had utilized a branch manager, but he recently left and the Employer has not yet determined if that position will be filled or, as in Highland Park, eliminated altogether. Two assistant branch managers, Tammy Hampton and Robert Ostrom, are the only supervisory personnel present and oversee the operations.

The Employer does utilize a branch manager at the Comstock Park facility, James Blanchard, who oversees the facility's day-to-day operations. Since the recent departure of the branch manager at Mount Morris, Blanchard visits that facility more frequently to assist the assistant branch managers. While there is no assistant manager at Comstock Park, there is another supervisor, Gregory

Bradley, who oversees the facility's financial affairs.³

Employee Classifications, Duties, and Working Conditions

A. Drivers/Messengers

The Employer employs approximately 150 drivers/messengers at the Highland Park facility, approximately 60 at the Mount Morris facility and approximately 50 at the Comstock Park facility, all with virtually identical duties and functions. Within the classification driver/messenger are related classifications or subgroups: messenger/ATM balancer, bank run messenger, ATM first-line, and crew leader/messenger. All armored vehicles are sent out from the facilities with an armed, two-person crew. The designation driver/messenger refers to the traditional standard armored car duties, transporting valuables for financial institutions and other customers, while the other designations pertain to specific runs to financial institutions and to service automated teller machines (ATMs). With respect to drivers/messengers, the driver is the employee who is actually driving the truck. The messenger is the employee sitting in the hold of the vehicle, where the valuables are located. All other related classifications are also sent out with armed two-person crews. Broadly, all drivers/messengers and their related classifications provide the armed transport, pick up, delivery, and safekeeping of currency or valuables.

A driver/messenger's day, as well as that of the related classifications, begins similarly at all three facilities: They sign in at their facility via a computerized ID card, put their military-style uniforms on,⁴ which are either black/blue or navy, with one red "Guardian Armored Security" patch on each shoulder and one on the chest, pick up their assignments, procure the various keys necessary for their runs, and get assigned a weapon. They then go through a check-out process whereby all the valuables, correspondence, equipment, and supplies for their runs are loaded into their armored vehicle. Their runs consist of delivering property to a customer's location, or picking up property from a customer which they store in the vehicle's hold. Typically, drivers/messengers and employees in related classifications return to the facility from which they leave, although infrequently they begin their day at one facility and end it at

³ The parties stipulated, and I find, that the branch manager, assistant branch managers, customer service manager, cash processing manager, office administrators, vault supervisors, cash processing supervisor, routing supervisor, training manager, and operations manager are all supervisors under 2(11) of the Act. In addition, the parties stipulated that the body person, sales representatives, custodian, auditor, accounts receivable employees, and billing specialist are excluded from any appropriate unit because they are not guards as defined by 9(b)(3) of the Act.

⁴ Although there is conflicting evidence in the record as to whether ATM first-line employees wear a military-style uniform, various witnesses testified that such employees otherwise have the same duties and responsibilities as drivers/messengers.

another. Occasionally, drivers/messengers make a run between facilities to deliver property. Sometimes, a customer request during a shift will necessitate a change in a driver/messenger's schedule. On those occasions, the dispatcher, after receiving the call from a customer, relays the route change.

Each day, there is at least one shuttle run in which drivers/messengers assigned to Highland Park leave the Highland Park facility and pick up currency and paperwork from both the Mount Morris and Comstock Park facilities. They then return to Highland Park to drop off those items. Generally, the same drivers/messengers makes this daily run. Additionally, there are occasional unscheduled runs between the facilities.

The primary duties of messenger/ATM balancer employees include reloading ATM machines with cash, picking up customer deposits from the machines, and other ancillary duties, such as replenishing deposit envelopes, putting rolls of new receipt paper in the machines, and logging totals off the ATM machines and balancing those totals with the actual currency in the machine. Bank run messengers specifically service financial institutions. The Employer employs two ATM first-line employees whose primary duties and responsibilities concern the servicing of ATM machines. The crew leader/messenger employees' duties are identical to those of a driver/messenger, the title being indicative of the employee's more extensive training.

B. Security Officers

The Employer employs five security officers, all assigned to its Highland Park facility. Security officers wear military-style uniforms similar to those of drivers/messengers. They provide additional security, either in an armored car or on the street in an area that the Employer perceives as an accelerated risk, such as when cash is delivered to the local Federal Reserve branch. They also play a role in facility security by restricting access to the property and by ensuring that appropriate paperwork involving cash and other valuables is completed.

C. Dispatchers

There are three dispatchers employed by the Employer, all assigned to the Highland Park facility. Dispatching at the other two facilities is performed by other, unspecified, classifications. Dispatchers assign runs to drivers either via a two-way radio or a Nextel phone. Route assignments are largely determined by customer needs. Dispatchers monitor drivers' progression through their daily route assignments via two-way communications. They are armed, for the purpose of protecting the building, its contents and employees. They open the doors for drivers after they finish a run. They wear uniforms virtually identical to those of

drivers/messengers. They do not hire, fire or discipline employees, although one dispatcher told a driver that he would see to it that the driver would be "written up" if she again failed to adhere to the Employer's security and safety policy. Occasionally, dispatchers ask drivers to alter their assigned route for the day, usually as a result of an unanticipated customer request. They receive approximately the same hourly rate as drivers/messengers.

D. Mechanics

The Employer employs approximately six mechanics at its Highland Park facility, two at its Mount Morris facility, and one at its Comstock Park facility. They wear a uniform different from those of drivers/messengers and other classifications, consisting of blue pants and a button-down shirt. Mechanics service armored vehicles at each of the facilities. When a vehicle breaks down on the road, the mechanic obtains another armored vehicle and drives it out to the stranded driver. The driver takes that vehicle and the mechanic stays to repair the disabled vehicle. Mechanics are not involved in transferring cash and other valuables from the disabled vehicle to the replacement vehicle. Although they are trained in the use of firearms, they may or may not be licensed, and do not carry firearms when they go out to service a vehicle. They may carry a firearm when, usually due to a manpower shortage, they temporarily work as a driver/messenger. The only record evidence as to how often this occurs is that one of the mechanics at the Mount Morris facility performs driver/messenger duties approximately 10% of his time. Mechanics also work as vault associates "from time-to-time."

E. Vault Associates

The Employer employs approximately 22 vault associates at its Highland Park facility, approximately 6 at its Mount Morris facility, and approximately 2 at its Comstock Park facility, all with the same duties and functions. Vault associates essentially guard currency and valuables inside a controlled area, such as a vault or other protected space within the Employer's facilities. Additionally, they assist, in conjunction with the tellers, with the movement of currency and valuables from the controlled area into armored vehicles. They also perform clerical functions, such as taking inventory of currency and valuables that are loaded on and taken off of armored vehicles. Vault associates carry weapons and wear a uniform similar to drivers/messengers, although they may occasionally wear a smock over their uniforms.

F. Vault Leaders

There are two vault leaders employed at the Employer's Comstock Park

facility and one at its Mount Morris facility. Their pay is slightly higher than that of a vault associate. Vault leaders' duties and responsibilities are very similar to those of a vault associate, with the difference in title and pay primarily based upon a higher level of training or experience. While they do not have authority to hire, fire or transfer employees, on rare occasions they have asked drivers/messengers to alter their runs, and instructed employees how to properly fill out log sheets. In one instance, a vault leader suggested to an employee that he may be disciplined if he didn't "settle down."

G. Tellers

There are approximately 21 tellers employed at the Employer's Highland Park facility. They dress in military uniforms identical to those of drivers/messengers. They verify incoming and outgoing currency, prepare currency for delivery to the Federal Reserve Bank and to various customers, prepare cash for delivery to ATMs, and make deposits for multiple-location retailers. They also operate security doors that allow employees ingress and egress within their secured area. They occasionally are required to work in the vault room. They at times ride in an armored vehicle. Tellers are trained to use a firearm and they have ready access to them in their work area. They also have access to other security devices, such as hold-up buttons and panic buttons.

H. Assistant Supervisors

The Employer employs two assistant supervisors at its Highland Park facility. One, Brian Lane, was stipulated by both parties to be a supervisor as defined in the Act. The duties of the other assistant supervisor, Cheryl Shaffer, were not distinguished from those of Lane, other than she does not work with any other employees. Shaffer's duties include balancing coin inventory, balancing cash reserves, and pulling coins from reserves so that they can be sent out on armored vehicles for delivery. Shaffer does not hire, fire, or discipline employees.

Analysis

Scope of Unit

A single facility unit is presumptively appropriate unless it has been "so effectively merged into a more comprehensive unit, or has lost its separate identity." *J&L Plate*, 310 NLRB 429 (1993). The burden of rebutting such presumption rests on the party seeking a multifacility unit. In determining whether the presumption has been rebutted, the Board considers various factors such as centralized control over daily operations and labor relations, including

extent of local autonomy; similarity of skills, functions, and working conditions; degree of employee interchange; geographic separation; and bargaining history, if any. *New Britain Transportation Co.*, 330 NLRB 397 (1999), and cases cited.⁵

In *Esco Corp.*, 298 NLRB 837 (1990), the Board emphasized both the lack of significant employee interchange and geographic separation as critical elements in determining that the single facility presumption had not been overcome. There, the Board found a single facility appropriate for bargaining despite the existence of centralized operations and labor relations, limited local autonomy, and common employee skills and functions. See also, *New Britain Transportation Co.*, supra.

The Employer maintains centralized control over labor relations and some centralized control over daily operations. Further, skills required by employees within the various classifications are identical at all three Employer facilities and all employees enjoy the same wages and benefits. However, the Highland Park, Mount Morris and Comstock Park facilities maintain at least some degree of local autonomy. Significantly, there are supervisors at each site who direct day-to-day operations. Evaluations are given by on-site managers. Cf. *Waste Management Northwest*, 331 NLRB 309, 311(2000)(lack of local autonomy and no supervisor at one of two sites for most of the day). Employees are assigned to one of the three facilities, report to work at that facility, maintain their time at that site, receive their assignments there, are dispatched by their particular facility, and park their trucks at their location. Although General Manager Adams gives final approval, assignments are created at each site. Employees at each facility separately perform that facility's work without any substantial reliance on another facility, other than one or two shuttle runs originating from the Highland Park facility each day.

As for employee interchange and interaction, the Employer relies on wholly non-specific evidence that drivers and other employees have temporarily transferred from one facility to another. The evidence, however, does not establish how the cited incidents compare to the total amount of temporary interchange on a percentage or any other basis. *New Britain Transportation Co.*, supra, at 398. Further, the proffered examples of interchange were minimal compared to the degree usually found significant in finding a multi-facility unit. Compare *Purolator Courier Corp.*, 265 NLRB 659, 661 (1982); (where the Board stated the interchange factor was met where 50 percent of the work force

⁵ In its brief, the Employer argues that it is the Board's general policy to include in a single unit all of an employer's guards and the Petitioner has the burden of proof to rebut that "policy." It cites *University of Tulso*, 304 NLRB 773(1991). That case is inapposite. There, the union sought to exclude certain part-time security officers from full-time and other part-time security officers in a single facility unit. Scope of the unit was not at issue.

came within the jurisdiction of other branches on a daily basis and there existed a greater degree of supervision from supervisors at other terminals than from the supervisors at their own terminals); *Dayton Transport Corp.*, 270 NLRB 1114 (1984) (Board found the presumption rebutted where in one year there were approximately 400-425 temporary employee interchanges between terminals among a workforce of 87 and the temporary employees were directly supervised by the terminal manager from the point of dispatch). Additionally, it is significant that most of the interchange is voluntary. In that regard, the Board stated in *New Britain* that "voluntary interchange is given less weight in determining if employees from different locations share a common identity." *Id.* at 398. Finally, the Employer failed to provide evidence that employees from the three locations have a significant number of regular contacts. Although employees occasionally interact with other employees when they are assigned to another facility and also by way of the daily shuttle runs, such contacts do not establish the existence of a strong community of interest between employees working at the three facilities.

The facilities' geographic separation, ranging from 75 miles to 190 miles, although not controlling, is significant and another factor militating against a multifacility unit. See, e.g. *First Security Service Corp.*, 329 NLRB 235, 237 (1999) (Separation of 5 to 28 miles from other sites establishes geographic separation). Finally, no bargaining history exists concerning any of the three facilities, and no labor organization is seeking to represent multiple facilities in a single unit.

Based on the above-cited factors, I conclude that the single facility presumption has not been rebutted and I therefore find the Petitioner's request for two separate units, consisting of the Highland Park and Mount Morris facilities, is appropriate.

Supervisory Status of Dispatchers, Vault Leaders, and Assistant Supervisors

Section 2(11) of the Act defines a "supervisor" as:

. . .any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

The primary supervisory indicia enumerated in Section 2(11) of the Act are read in the disjunctive, so that possession of any one of the 12 listed authorities can invest an individual with supervisory status. *Ohio Power Co. v. NLRB*, 176 F.2d 385 (6th Cir 1949), cert. denied 338 U.S. 899(1949); *Allen Services Co.*, 314 NLRB 1060, 1061 (1994). The burden of proof rests with the party seeking to exclude the individual as a supervisor. *NLRB v. Kentucky River Community Care*, 532 U.S. 706 (2001); *Benchmark Mechanical Contractors*, 327 NLRB 829 (1999). The Board is mindful not to deprive employees of their rights under Section 7 by interpreting the term supervisor too broadly. *Azusa Ranch Market*, 321 NLRB 811, 812 (1996).

The Petitioner contends that dispatchers, vault leaders, and an assistant supervisor are supervisors under Section 2(11) and should be excluded from the bargaining units on that basis. However, the record does not support a finding that the employees in these classifications are supervisors. Dispatchers have no authority to hire, fire or discipline, or to effectively recommend such action and, while they direct work, such direction is essentially routine, based upon either management directives or customer direction. In the one instance cited of a dispatcher threatening discipline, it is not clear as to whether the dispatcher was acting in accordance with Employer safety and security protocol or whether other employees have the same duty to report such lapses in protocol. Further, a single instance of a threat to discipline does not cloak dispatchers with supervisory authority. Similarly, the record as to vault leaders and assistant supervisor Shaffer shows that they have no authority to hire, fire, or discipline, or the authority to effectively recommend such action and do not direct employees. While the record indicates that a vault leader has instructed employees how to properly fill out a log sheet, such action appears to be merely ministerial. The one incident in which a vault leader suggested to an upset employee that he may be disciplined if he didn't "settle down" is rare and there is no indication that the vault leader was able to effectuate such action. With respect to the assistant supervisor, other than her title, which in itself is not conclusive of supervisory status, the record is devoid of any Section 2(11) indicia exercised by her.

Based upon the record, the Petitioner has not met its burden of proof with respect to its contention that dispatchers and vault leaders are supervisors. Therefore, they are included in the appropriate unit. As for assistant supervisor Shafer, while she is not a supervisor, the record is insufficient to determine whether she is a statutory guard. Accordingly, she may vote subject to challenge by either party.

Mechanics

Petitioner contends that mechanics are not guards and therefore should not

be included in either unit. Section 9(b)(3) of the Act prohibits the Board from creating a combined unit of guards and nonguards, and defines a guard as "any individual employed to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises." *Boeing Co.*, 328 NLRB 128, 129-130 (1999). The Board has long held that in cases where an employer has charged certain employees with duties that are arguably security-related for only a portion of their working hours, of central concern is not a numerical accounting of the percentage of time employees spend on such duties, but rather the specific nature of the duties themselves. *Id.* at 130 (1999); *Rhode Island Hospital*, 313 NLRB 343, 346 (1993); *Waterboro Mtg. Corp.*, 106 NLRB 1383, 1384 (1953). Thus, the Board has determined that employees are guards if they are charged with guard responsibilities that are not a minor or incidental part of their overall responsibilities. *Boeing Co.*, supra; *Rhode Island Hospital*, supra, at 347. Guard responsibilities include the enforcement of rules against other employees, the possession of authority to compel compliance with those rules, training in security procedures and weapons training, participation in security rounds or patrol, the monitor and control of access to the employer's premises, and wearing guard-type uniforms. *Boeing Co.*, supra. Guard responsibilities are minor or incidental when the enforcement of security and safety rules is not an essential part of the employees' responsibilities. *McDonnell Aircraft Co.*, 279 NLRB 357, 358 (1986).

Further, security employees employed to protect the money and valuables that belong not to their own employer, but to a customer of their employer, are also considered guards under 9(b)(3) of the Act. *Armored Motor Service Company, Inc.*, 106 NLRB 1139 (1953); *Brink's, Inc.*, 226 NLRB 1182, 1183 (1976). Like plant guards and unlike other employees, the principal function of armored car guards is to physically protect the property entrusted to their care. By applying the provisions of Sec. 9(b)(3) to such employees, the Board is serving the congressional purpose underlying that section of insulating all guard employees from conflicting loyalties to nonguard labor organizations. *Deluxe General Inc.*, 241 NLRB 229, fn. 2 (1979).

The parties agreed, and I find, that drivers/messengers and the related classifications, security officers, dispatchers, vault associates, vault leaders, and tellers are all primarily engaged in the duties of protecting the property of the Employer's customers and are thus guards within the meaning of 9(b)(3) of the Act.

On the other hand, mechanics are not primarily engaged in the protection and safekeeping of valuables belonging to the Employer's customers. Mechanics wear a non-military style uniform and are almost exclusively engaged in the repair

of vehicles. Any guard responsibilities assumed by mechanics, including those at the Mount Morris facility, are not an essential part of their responsibilities. See *McDonnell Aircraft Co.*, supra.

5. Based on the foregoing and the record as a whole, I find that the following employees of the Employer constitute units appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act, and I hereby direct elections therein:

Unit A

All full-time and regular part-time guards as defined in Section 9(b)(3) of the Act, including drivers/messengers, messenger/ATM balancers, bank run messengers, ATM first line, crew leader/messengers, security officers, dispatchers, vault associates, and tellers, employed by the Employer at or out of its facility located at 15045 Hamilton Avenue, Highland Park, Michigan; but excluding mechanics, office clerical employees, professional employees, and supervisors as defined in the Act, and all other employees.

Unit B

All full-time and regular part-time guards as defined in Section 9(b)(3) of the Act, including drivers/messengers, messenger/ATM balancers, bank run messengers, ATM first line, crew leader/messengers, vault associates and vault leaders, employed by the Employer at or out of its facility located at G6129 Dort Highway, Mount Morris, Michigan; but excluding mechanics, office clerical employees, professional employees, and supervisors as defined in the Act, and all other employees.

Those eligible to vote shall vote as set forth in the attached Direction of Elections.

Dated at Detroit, Michigan, this 10th day of May 2004.

(SEAL)

“/s/ [Stephen M. Glasser].”

/s/ Stephen M. Glasser

Stephen M. Glasser, Regional Director
National Labor Relations Board – Region 7
Patrick V. McNamara Federal Building
477 Michigan Avenue – Room 300
Detroit, Michigan 48226

DIRECTION OF ELECTIONS

Elections by secret ballot shall be conducted under the direction and supervision of this office among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those employees in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such a strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Employees who are otherwise eligible but who are in the military service of the United States may vote if they appear in person at the polls. Ineligible to vote are 1) employees who quit or are discharged for cause after the designated payroll period for eligibility, 2) employees engaged in a strike, who have quit or been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and 3) employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by:

International Union, Security, Police and Fire Professionals of America (SPFPA)

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election in each unit should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that **within 7 days** of the date of this Decision, **2** copies of an election eligibility list for each unit, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the lists available to all parties to the election. The lists must be of sufficient clarity to be clearly legible. The lists may be submitted by facsimile transmission, in which case only one copy need be submitted. In order to be timely filed, such lists must be received in the **DETROIT REGIONAL OFFICE** on or before **May 17, 2004**. No extension of time to file the lists shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, Franklin Court, 1099 14th Street N.W., Washington D.C. 20570**. This request must be received by the Board in Washington by **May 24, 2004**.

POSTING OF ELECTION NOTICES

a. Employers shall post copies of the Board's official Notice of Election in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. In elections involving mail ballots, the election shall be deemed to have commenced the day the ballots are deposited by the Regional Office in the mail. In all cases, the notices shall remain posted until the end of the election.

b. The term "working day" shall mean an entire 24-hour period excluding Saturday, Sundays, and holidays.

c. A party shall be estopped from objecting to nonposting of notices if it is responsible for the nonposting. An employer shall be conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Office at least 5 days prior to the commencement of the election that it has not received copies of the election notice. */

d. Failure to post the election notices as required herein shall be grounds for setting aside the election whenever proper and timely objections are filed under the provisions of Section 102.69(a).

*/ Section 103.20 (c) of the Board's Rules is interpreted as requiring an employer to notify the Regional Office at least 5 full working days prior to 12:01 a.m. of the day of the election that it has not received copies of the election notice.